

CSD 2015 [08/28/14]

Name, Address, Telephone No. & I.D. No.

Julian McMillan (SBN241937)

McMillan Law Group, APC

2751 Roosevelt Road, Suite 204

San Diego, CA 92106

PH: (858) 499-8954

FX: (619) 241-8291

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF CALIFORNIA

325 West "F" Street, San Diego, California 92101-6991

In Re

Rashid R. Aliyev and Dilbar B. Mamedova

Debtor.

BANKRUPTCY NO. 14-07165

OBJECTION TO CLAIM AND NOTICE THEREOF

TO:

The Honorable Bankruptcy Judge, The Chapter 13 Trustee, Creditor Karen Kaemmer and all other interested parties

The ☐ Trustee ☒ Debtor ☐ Chapter 13 Trustee, except to the extent already paid by the Chapter 13 trustee, objects to the allowance of Court Claim No. 1, (or if no Court number assigned, Trustee Claim No. _____) of Karen Kaemmer,
(Name of Creditor)

filed for \$ 206849.70, on the grounds it:

- ☐ Duplicates Claim No. _____ filed by _____.
- ☐ The claim was filed after the expiration of the last date to file claims.
- ☐ Does not include an itemized statement of the account.
- ☐ Does not include a copy of the underlying judgment.
- ☐ Does not include a copy of the security agreement and evidence of perfection.
- ☐ Does not include a copy of the writing upon which it is based.
- ☐ Fails to assert grounds for priority.

For the following objections, attach and serve affidavits or declarations in accordance with Local Bankruptcy Rule 9013-2(a)(2):

- ☐ Appears to include interest or charges accrued after the filing of this case on _____.
- ☒ Other [State grounds and cite applicable Code section or case authority.]:

Creditor claims they have a secured interest of \$80,000.00. Debtors have procured an appraisal of the unit which states the unit is worth \$51,500.00. Creditor's claim is only secured to the value of the unit.

If you object to the proposed action:

1. **YOU ARE REQUIRED** to obtain a hearing date and time from the appropriate Courtroom Deputy for the judge assigned to your bankruptcy case. If a Chapter 7, 11, or 12 case, determine which deputy to call by looking at the Bankruptcy Case No. in the above caption of this notice. If the case number is followed by the letter:

-	MM	-	call	(619) 557-7407	-	DEPARTMENT ONE (Room 218)
-	LA	-	call	(619) 557-6594	-	DEPARTMENT TWO (Room 118)
-	LT	-	call	(619) 557-6018	-	DEPARTMENT THREE (Room 129)
-	PB	-	call	(619) 557-5157	-	DEPARTMENT FOUR (Room 328)
-	CL	-	call	(619) 557-6019	-	DEPARTMENT FIVE (Room 318)

CSD 2015 (Page 2) [08/28/14]

2. **WITHIN THIRTY (30) ¹ DAYS FROM THE DATE OF SERVICE OF THIS MOTION**, you are further required to serve a copy of your DECLARATION IN OPPOSITION TO MOTION and separate REQUEST AND NOTICE OF HEARING [Local Form CSD 1184 ²] upon the undersigned moving party, together with any opposing papers. The opposing declaration shall be signed and verified in the manner prescribed by Federal Rule of Bankruptcy Procedure 9011, and the declaration shall:

- a. identify the interest of the opposing party; and
- b. state, with particularity, the grounds for the opposition.

3. **YOU MUST** file the original and one copy of the Declaration and Request and Notice of Hearing with proof of service with the Clerk of the U.S. Bankruptcy Court at 325 West "F" Street, San Diego, California 92101-6991, no later than the next business day following the date of service.

IF YOU FAIL TO SERVE YOUR "DECLARATION IN OPPOSITION TO INTENDED ACTION" AND "REQUEST AND NOTICE OF HEARING" within the 30-day¹ period provided by this notice, NO HEARING SHALL TAKE PLACE, you shall lose your opportunity for hearing, and the debtor or trustee may proceed to take the intended action.

I hereby declare under penalty of perjury that the objection set forth above is true and correct to the best of my information and belief.

DATED: 10/17/2014

/s/Julian McMillan for Debtors

Trustee [Debtor]

CERTIFICATE OF SERVICE

I, the undersigned whose address appears below, certify:

That I am, and at all times hereinafter mentioned was, more than 18 years of age;

That on 17th day of October, 2014, I served a true copy of the within OBJECTION TO CLAIM AND NOTICE THEREOF, together with the following pleadings [describe any other papers]:

by [describe here mode of service]:

ECF and U.S. Mail

on the following persons [set forth name and address of each person served] and/or as checked below:

Jeffrey Schreiber, Esq.
4275 Executive Square, Suite 200
La Jolla, CA 92037

[] For Chpt. 7, 11, & 12 cases: [☒] For ODD numbered Chapter 13 cases: [] For EVEN numbered Chapter 13 cases:

UNITED STATES TRUSTEE
Department of Justice
402 West Broadway, Suite 600
San Diego, CA 92101

THOMAS H. BILLINGSLEA, JR., TRUSTEE
401 West "A" Street, Suite 1680
San Diego, CA 92101

DAVID L. SKELTON, TRUSTEE
525 "B" Street, Suite 1430
San Diego, CA 92101-4507

I certify under penalty of perjury that the foregoing is true and correct.

Executed on 10/17/2014
(Date)

/s/Leslie Acevedo

(Typed Name and Signature)

2751 Roosevelt Road, Suite 204

(Address)

San Diego, CA 92106

(City, State, ZIP Code)

¹If you were served electronically or by mail, you have three (3) additional days to take the above-stated actions as calculated by Fed. R. Bankr. P. 9006(f).

²You may obtain Local Form CSD 1184 from the Office of the Clerk of the U.S. Bankruptcy Court.